

## REMARKS

Claims 26-41, 44-48, 50-53, 55, 56, 58-61, and 63-84 remain pending in the instant application. Claims 26-41, 44-56, 58-61, and 63-81 presently stand rejected. Claims 26, 28, 31, 33, 36, 38, 41, 50, 52, 56, 60, 63-65, 70, 71, 76 and 77 are amended and claims 49 and 54 are canceled herein. New claims 82-84 are hereby added. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 112*

Claims 26-41, 44-56, 58-61, and 63-81 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

#### Claim 41

Claim 41 stands rejected under 35 U.S.C. §112, second paragraph as lacking antecedent basis for the phrase “the cursor”. Accordingly, Applicant has amended this phrase in claim 41 to now recite “the cursor positioning device”. Thus, Applicant respectfully submits that this §112 rejection has been overcome.

#### Claims 65-67, 71-73 and 77-79

Claims 65-67, 71-73 and 77-79 stand rejected under 35 U.S.C. §112, second paragraph because according to the Examiner, “...in claims 65, 71, and 77 it is not clear how the first and second parameters are adjusted simultaneously when the cursor can **only** control **one** of the first and second parameters.” [emphasis added]. Applicant respectfully asserts that nowhere in claims 65, 71 and 77, nor in their respective independent claims do they recite that the cursor can **only** control **one** of the first and second parameters. Instead, pre-amended claim 65 recited that the first user interface element is controllable by the input device when the cursor is in the first region and the second user interface element is controllable by the input device when the cursor is in the second region. In other words, none of the claims limit the control of the user interface elements by other elements, such as, **software**. For example, in one embodiment a user may select the first user interface element by positioning a cursor of

the input device in the first region. Then, as input is received from the input device indicating components according to first and second degrees of freedom, software may simultaneously adjust the first and second parameters. Similarly, a user may select the second user interface element by positioning the cursor in the second region, where software may simultaneously adjust the first and second parameters as input is received from the input device.

***However, in the interest of expediting a timely notice of allowance, Applicant has amended claims 65, 71 and 77 to remove recitation of control of the second user interface element.*** The removed limitations have been incorporated into newly added claims 82-84, discussed below. Accordingly, Applicant respectfully requests withdrawal of the §112 rejections of claims 65-67, 71-73 and 77-79, as amended.

Claims 28-30, 33-35 and 38-40

Claims 28-30, 33-35 and 38-40 stand rejected under 35 U.S.C. §112 because according to the Examiner, “[t]hese claims do not clearly claim the remapping which were added to the parent claims 26, 31, and 36 with regard to adjusting a second parameter.” Accordingly, Applicant has amended claims 28, 33 and 38 as suggested by the Examiner. Thus, Applicant respectfully requests withdrawal of the §112 rejections of claims 28-30, 33-35 and 38-40.

Claims 26-41, 44-56, 58-61, and 63-81

Claims 26-41, 44-56, 58-61, and 63-81 stand rejected under 35 U.S.C. §112 because according to the Examiner, “...they do not clearly claim the type of remapping being claimed.” Accordingly, each of the independent claims 26, 31, 36, 41, 52, 56, 60, 63, 64, 70 and 76 have been amended, as suggested in the September 13, 2007 Office Action. For example, amended claim 26 now recites, in pertinent parts,

*“...controlling a position of the cursor on the display device in response to the first component and the second component of the input...” and*

*“...wherein adjusting the first parameter comprises remapping the first component of the input to control a change in the scale of data...”*

Thus, claim 26 now recites that a position of a cursor on the display device is controlled in response to the first and second components of the input. Claim 26 also now recites that the first parameter is adjusted by remapping the first component to control a change in the scale of data. Independent claims 31, 36, 41, 52, 56, 60, 63, 64, 70 and 76 have been amended to include similar features as were added to independent claim 26. Therefore, Applicant respectfully requests the withdrawal of the instant 35 U.S.C. §112, second paragraph rejections of claims 26-41, 44-56, 58-61, and 63-81.

#### *Double Patenting*

Claims 26, 28, 31, 33, 36, 38, 41, 44-61, 63, 64, 68, 70, 74, 76 and 80 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-10 of U.S. Patent No. 6,061, 062. Applicant respectfully requests that the enclosed timely filed terminal disclaimer in compliance with 37 CFR § 1.321(c) be entered to overcome the instant nonstatutory double patenting rejection, as suggested in the September 13, 2007 Office Action.

Claims 26, 28, 31, 33, 36, 38, 41, 44, 52-56, 58, 60, 61, 63, 64, 68, 70, 74, 76, and 80 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5, 6, and 7 of U.S. Patent No. 6,366,303. Applicant respectfully requests that the enclosed timely filed terminal disclaimer in compliance with 37 CFR § 1.321(c) be entered to overcome the instant nonstatutory double patenting rejection, as suggested in the September 13, 2007 Office Action.

Claims 26, 28, 31, 33, 36, 38, 41, 44, 45, 46, 52-56, 58, 60, 61, 63, 64, 68, 70, 74, 76, and 80 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 3, 5, 6, 9, 10, 11, 13, 14, 17, 18, 19, 21, and 22 of U.S. Patent No. 6, 778, 195. Applicant respectfully requests that the enclosed timely filed terminal disclaimer in compliance with 37 CFR § 1.321(c) be entered to

overcome the instant nonstatutory double patenting rejection, as suggested in the September 13, 2007 Office Action.

Applicant wishes to note that the filing of the enclosed terminal disclaimers in compliance with 37 CFR § 1.321(c) is not an admission to the propriety of the rejections. M.P.E.P. § 804.02 (7th Ed. July 1998); Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ.2d. 1392 (Fed. Cir. 1991). As stated by the Federal Circuit in the Quad Environmental Technologies decision, the “filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.”

#### *New Claims 82-84*

By way of this amendment, Applicant has added new dependent claims 82-84. Applicant respectfully submits that these dependent claims are allowable for at least the same reasons as discussed above in connection with their respective independent claims in addition to adding further limitations of their own.

#### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant believes the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

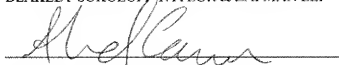
### CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

BLAKELY SOKOLOFF-TAYLOR & ZAFMAN LLP

Date: 10-17-07



Andrew J. Cameron

Reg. No. 50,281

Phone: (206) 292-8600

Blakely Sokoloff Taylor & Zafman, LLP  
1279 Oakmead Parkway  
Sunnyvale, California  
94085-4040